

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 9
H.C.R. 24
H.C.R. 26
H.C.R. 44
H.C.R. 45

**HOUSE CONCURRENT RESOLUTION 36
ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business and the printing rule were suspended to take up for consideration at this time on its second reading:

H.C.R. 36, Encouraging Sematech to locate in Texas.

The resolution was read second time and was adopted viva voce vote.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Health and Human Services might consider H.C.R. 52 upon adjournment today.

CONGRATULATORY RESOLUTIONS

S.C.R. 16 - By Farabee: Recognizing October 4-10, 1987, as National Mental Illness Awareness Week.

S.R. 58 - By Anderson: Commending Mr. Reuel Henry.

S.R. 59 - By Green: Extending sincere birthday greetings to Preston Pendergrass.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 10:10 a.m. adjourned until 11:00 a.m. Monday, July 6, 1987.

**FIFTH DAY
(Monday, July 6, 1987)**

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Washington.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, as we begin a new week and conclude the celebration of our country's birthday, we pause to give thanks that we live in freedom. As we assemble this morning, we are aware that this is a privilege not afforded and enjoyed by everyone. Remind us that as we celebrate our independence, we remember our dependency on one another and a supportive Lord. Our prayer then will continue to be — God Bless America. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 2, 1987, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.C.R. 52

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which we referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Don Weldon, Ellis County.

To be a Member of the STATE DEPOSITORY BOARD: Robert Lee Monaghan, Midland County.

To be Members of the TEXAS REAL ESTATE COMMISSION: Robert T. Martin, Tarrant County; Ms. Florence "Posie" Willess, Dallas County.

To be a Member of the TEACHERS' PROFESSIONAL PRACTICES COMMISSION: Edward Leon Blake, Bowie County.

To be Members of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: Mrs. Deborah Hughes Bell, Taylor County; Perry V. Dalby, Bell County.

To be a Member of the ADVISORY COUNCIL ON COMMUNITY AFFAIRS: Matthew Washington, Fort Bend County.

To be a Member of the BATTLESHIP TEXAS ADVISORY BOARD: Mrs. Caroline Kemp Gregory, Harris County.

To be a Member of the TEXAS HISTORICAL COMMISSION: Mrs. Suzanne Waters Harris, Bexar County.

To be a Member of the BOARD OF TRUSTEES, TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM: Durward Wright, Midland County.

To be a Member of the STATE RURAL MEDICAL EDUCATION BOARD: Leo L. Westerholm, Calhoun County.

To be Members of the TEXAS STRUCTURAL PEST CONTROL BOARD: Nester M. Macho, Dallas County; Charles Kenneth (Buddy) Glasse, Galveston County.

To be a Member of the BOARD OF TAX PROFESSIONAL EXAMINERS: Mrs. Cora B. Viescas, El Paso County.

To be a Member of the TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS: Robert Dean Wyrick, Dallas County.

To be a Member of the BOARD OF REGENTS, NORTH TEXAS STATE UNIVERSITY: Mrs. Lucille G. Murchison, Dallas County.

To be a Member of the TEXAS BOARD OF LAND SURVEYING: Andrew Lonnie Sikes, Harris County.

To be a Member of the BOARD OF DIRECTORS, ANGELINA AND NECHES RIVER AUTHORITY: Mrs. Lila Lee Rehkop, Henderson County.

To be Members of the BOARD OF DIRECTORS, RUNNELS COUNTY WATER AUTHORITY: E. Jerry Holden, Runnels County; Oswald D. Reed, Runnels County; Wilson Avery McCown, Runnels County; Elliott J. Kemp, Runnels County; Mayor Werner Harsch, Runnels County.

To be Members of the BOARD OF DIRECTORS, CENTRAL COLORADO RIVER AUTHORITY: Clifford L. Horn, Coleman County; Nicholas John Knox, Coleman County.

To be Members of the REAL ESTATE RESEARCH ADVISORY COMMITTEE: Thomas Andrew Wilder, Tarrant County; Hubert E. "Hub" Bechtol, Travis County; Alberto R. Gonzales, Harris County.

To be a Member of the BOARD OF DIRECTORS, RIO GRANDE VALLEY MUNICIPAL WATER AUTHORITY: William W. Scurlock, Hidalgo County.

To be a Member of the HOSPITAL LICENSING ADVISORY COUNCIL: Bob L. Bybee, Randall County.

To be a Member of the TEXAS SURPLUS PROPERTY AGENCY: Franklin Pete Adams, Collin County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

MESSAGE FROM THE HOUSE

House Chamber
July 6, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 1, General Appropriations Act. (Substituted and amended)

A point of order was sustained against further consideration of Rider No. 16 on page III.-7 of C.S.S.B. 1 and accordingly, the last two sentences of that rider were struck from C.S.S.B. 1.

H.J.R. 9, Proposing a constitutional amendment prohibiting the imposition of personal net income taxes.

H.B. 7, Relating to state budget execution.

H.B. 62, Relating to the repeal of the scheduled reduction in the rates of the State motor fuels taxes and to certain tax revenue allocations.

H.B. 63, Relating to certain allocations and transfers of state revenue.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 18 by Uribe Jurisprudence
Granting ABC Leasing and Sales Company permission to sue the State of Texas and the State Department of Highways and Public Transportation.

S.B. 48 by Tejeda Criminal Justice
Relating to the offense of misuse of public information by a public servant.

S.B. 49 by Brooks, Truan Health and Human Services
Relating to the creation, powers, duties, and compensation of the Rural Medical Education Council, to loans administered by the council, to powers and duties of the Texas Higher Education Coordinating Board concerning those loans, and to assistance by the attorney general on request.

S.B. 50 by Henderson Intergovernmental Relations
Relating to certain local government leases regarding airport matters.

S.B. 51 by Lyon Intergovernmental Relations
Relating to the salaries of the judges of the county courts at law in Smith County.

S.B. 52 by Montford State Affairs
Relating to the sale of certain state-owned property to the State Department of Highways and Public Transportation.

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

PROCLAMATION BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article III, Section 40 and Article IV, Section 8 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby submit the following matters for consideration by the Seventieth Texas Legislature in its Second Called Session:

- (1) a constitutional amendment relating to liability limits for a health care liability claim;
- (2) legislation relating to liability limits for a health care liability claim;
- (3) legislation relating to the reporting of waste volumes and the study, selection, acquisition, and operation of disposal sites by the Texas Low-Level Radioactive Waste Disposal Authority;
- (4) legislation relating to scholarship students in biomedical research programs;

- (5) legislation relating to the construction and financing of correctional facilities;
- (6) legislation repealing Section 6(f), Texas Pawnshop Act, (Article 5069-51.05, Vernon's Texas Civil Statutes), as added by Section 5, H.B. 1230, 70th Legislature, Regular Session, 1987;
- (7) legislation relating to the name of the Port of Beaumont Navigation District of Jefferson County;
- (8) legislation relating to the creation of the On-site Wastewater Treatment Research Council and fund, and the imposition of certain fees;
- (9) legislation relating to the offense of aggravated sexual assault;
- (10) legislation relating to the authority of a municipality to contract for jail facilities and the operation of those facilities; and
- (11) legislation relating to the creation of offenses involving collection of an unlawful debt or a pattern of conduct involving unlawful acts, and providing for injunctive and other relief and for forfeiture of certain property related to or derived from those offenses.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 29th day of June, 1987.

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

ATTEST:

Jack M. Rains
Secretary of State

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
July 6, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
SECOND CALLED SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE BANDERA COUNTY RIVER AUTHORITY
BOARD OF DIRECTORS:

For terms to expire January 31, 1993:

PAUL GARRISON, JR.
Route 2, Box 33A
Medina, Texas 78055

Mr. Garrison is being reappointed.

JOSE MANUEL CANTU
P. O. Box 63352
Pipe Creek, Texas 78063

Mr. Cantu will be replacing Raymond Hicks of Bandera whose term expired.

JOE K. LEIGHTON
Leighton Building
Vanderpool, Texas 78885

Mr. Leighton will be filling the unexpired term of Henry Fisher of Utopia who resigned.

CRAIG A. TIPS
P. O. Box 573
Bandera, Texas 78003

Mr. Tips will be replacing Timothy Stephen Tobin of Bandera whose term expired.

TO BE A MEMBER OF THE BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS:

For a term to expire February 1, 1993:

WILLIAM D. FITCH
1711 Glade Street
College Station, Texas 77840

Mr. Fitch will be replacing Nelson Daniel Durst of Bryan whose term expired.

TO BE A MEMBER OF THE UPPER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS:

For a term to expire February 1, 1993:

CARL S. STRAIN
311 W. Twohig
San Angelo, Texas 76903

Mr. Strain will be replacing Bruce H. Fisher of San Angelo whose term expired.

TO BE A MEMBER OF THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM BOARD OF TRUSTEES:

For a term to expire December 31, 1989:

KATHY HYNSON
Fort Bend County Treasurer
County Courthouse
400 Jackson
Richmond, Texas 77469

Mrs. Hynson will be filling the unexpired term of Henry Lee Grimes of Greenville who is no longer eligible.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS:

For a term to expire February 1, 1993:

YVONNE KOHUTEK
13123 Country Trail
San Antonio, Texas 78216

Mrs. Kohutek is being reappointed.

TO BE A MEMBER OF THE TEXAS HOUSING AGENCY BOARD OF DIRECTORS:

For a term to expire January 31, 1993:

GEORGE R. FARISH
1919 Allen Parkway
Suite 100
Houston, Texas 77019

Mr. Farish will be replacing Perry Bradley of Sulphur Springs whose term expired.

TO BE MEMBERS OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM BOARD OF TRUSTEES:

For terms to expire February 1, 1993:

CARL L. WHITE
Finance Director
City of San Antonio
City Hall
San Antonio, Texas 78285

Mr. White will be replacing Davis Brinson of Port Arthur whose term expired.

LELAND D. NELSON
City Manager
City of University Park
3800 University Boulevard
Dallas, Texas 75205

Mr. Nelson is being reappointed.

TO BE A MEMBER OF NORTH TEXAS STATE UNIVERSITY BOARD OF REGENTS:

For a term to expire May 22, 1993:

BILLIE LUCILLE PARKER
608 Roaring Springs Road
Fort Worth, Texas 76114

Mrs. Parker will be replacing Charles Edward Greene of Dallas whose term expired.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL BOARD:

For a term to expire August 30, 1988:

ROBERT W. JENKINS
6202 Spindrift
San Antonio, Texas 78239

Mr. Jenkins will be replacing Tommy L. Brown of Fort Worth whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES:

For a term to expire January 31, 1993:

JOEL KENNETH GLENN
201 Main Street
Suite 3200
Fort Worth, Texas 76102

Mr. Glenn will be replacing George A. Smith, Jr., of Dallas whose term expired.

TO BE MEMBERS OF THE PRODUCE RECOVERY FUND BOARD:

For a term to expire January 31, 1993:

DOUGLAS CLEO BROWN
420 Market Street
Waco, Texas 76704

Mr. Brown will be replacing Nuncio J. Martino of Houston whose term expired.

For terms to expire January 31, 1991:

MARTIN HYMAN RUTCHIK
1400 Parker Street
Dallas, Texas 75205

Mr. Rutchik will be replacing Curtis Cargile of Uvalde whose term expired.

HUMBERTO M. GARCIA
P. O. Box 432
Rio Grande City, Texas 78582

Mr. Garcia will be replacing G. E. Glassford of Laredo whose term expired.

For a term to expire January 31, 1989:

MARIAN SUE HAWKINS
103 North Broadway
Hart, Texas 79043

Mrs. Hawkins will be replacing Wayne A. Showers of McAllen whose term expired.

**TO BE A MEMBER OF THE RUNNELS COUNTY WATER AUTHORITY
BOARD OF DIRECTORS:**

For a term to expire January 1, 1989:

KENNETH HORTON SLIMP
124 State Street
Winters, Texas 79567

Mr. Slimp will be replacing Ernest Thormeyer of Winters who is deceased.

TO BE A MEMBER OF THE COMMISSION ON UNIFORM STATE LAWS:

For a term to expire September 30, 1992:

JUDGE DAVID PEEPLES
285th District Court
Bexar County Courthouse
San Antonio, Texas 78205

Judge Peeples will be replacing Millard H. Ruud of Austin whose term expired.

**TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS WOMAN'S
UNIVERSITY:**

For a term to expire February 1, 1993:

GLEN E. (GENE) SPARKS
329 Tampico
Irving, Texas 75062

Mr. Sparks will be replacing Margaret Estes Davis of Irving whose term expired.

**TO BE JUDGE OF THE 213TH JUDICIAL DISTRICT, TARRANT COUNTY,
UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR
SHALL BE DULY ELECTED AND QUALIFIED:**

GEORGE STEPHEN KREDELL
4230 Green Oaks Boulevard W.
Arlington, Texas 76016

Mr. Kredell will be replacing Judge Tom Cave of Fort Worth who resigned effective June 15, 1987.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 63, To Committee on Finance.

H.B. 7, To Committee on Finance.

H.J.R. 9, To Committee on Finance.

H.B. 62, To Tax Policy Subcommittee of the Committee of the Whole Senate.

GUEST PRESENTED

Senator Lyon was recognized and introduced Dr. Milton Davis of Kaufman, the Capitol Physician for the Day.

Dr. Davis was welcomed and received the appreciation of the Senate for his time and services donated today.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 12**SENATE RULE 74a SUSPENDED**

On motion of Senator Jones and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendments to **S.B. 1**.

AMENDMENTS TO SENATE BILL 1 ORDERED NOT PRINTED

On motion of Senator Jones and by unanimous consent, the House amendments to **S.B. 1** were ordered not printed in the Senate Journal.

SENATE BILL 1 WITH HOUSE AMENDMENTS

Senator Jones called **S.B. 1** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Senator Jones moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 1** before appointment.

Senator Leedom moved to instruct the Conference Committee to accept the lowest figure submitted for each item in either version of **S.B. 1**.

Senator Anderson made the substitute motion that the Conference Committee adopt the lowest and most reasonable figure submitted consistent with the preservation of essential State services.

The substitute motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Johnson, Jones, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brown, Henderson, Leedom, Sims.

Absent: Green, Tejeda.

Absent-excused: Washington.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones, Chairman; Brooks, Caperton, Farabee and Montford.

MESSAGE FROM THE HOUSE

House Chamber
July 6, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 61, Relating to state and local sales and use tax.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 61, To Tax Policy Subcommittee of the Committee of the Whole Senate.

SUNSET COMMISSION MEMBERS APPOINTED

The President announced the following appointments to the Sunset Commission:

Senator Gonzalo Barrientos
Senator Don Henderson
Public Member: Ms. Jane Hickie

SENATE JOINT RESOLUTION 5 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 5, Proposing a constitutional amendment authorizing the legislature to expand the services provided by the Amarillo Hospital District to include certain residents of Randall County and authorizing Randall County to provide financial assistance to the district.

The resolution was read second time and was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 5 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Green, Tejeda.

Absent-excused: Washington.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 32 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 32, Relating to the authority of the Amarillo Hospital District to serve certain residents of Randall County and of Randall County to provide financial assistance to the district.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 32 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 32** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Green, Tejeda.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE JOINT RESOLUTION 4 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 4, Amending the ballot proposition for **S.J.R. 17**, Acts of the 70th Legislature, Regular Session, 1987, proposing a constitutional amendment permitting the legislature to include members of more than one department of state government in the membership of an agency or committee.

The resolution was read second time and was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 4 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 11 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 11, Relating to the name of the Beaumont Navigation District.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 11 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 18 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 18, Relating to the creation, administration, powers, duties, operation, and financing of the Fairfield Hospital District; granting the power of eminent domain; providing for the issuance of bonds and the levy of taxes.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 18 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 18** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 17 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 17, Relating to the creation, administration, powers, duties, operation, and financing of the Reeves County Hospital District, including the power to levy taxes, issue bonds, and take property by eminent domain.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 17 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 17** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 14 ON SECOND READING**

Senator Leedom moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 14, Relating to the conveyance of state-owned real property and described real property and to disposition of the proceeds.

On motion of Senator Leedom and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

**COMMITTEE SUBSTITUTE SENATE BILL 20
ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 20, Relating to the regulation of certain sports agents; providing civil and criminal penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 20
ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 20** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The bill was read third time and prevailed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 36
ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 36, Relating to the authority of the Texas Department of Health to execute federal forms necessary for the receipt of health facilities funding.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 36
ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 36** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 27 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 27, Relating to the transaction of business by, and the custody and loan of certain assets of, the Employees Retirement System of Texas.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 27** as follows:

- (1) On page 2, line 5, insert the following after "banks" and before "to": ", designated by the state treasurer as provided in article 6252-5a, Sec. 3, Revised Statutes."
- (2) On page 2, line 12, insert the following after "banks" and before "to": ", designated by the state treasurer as provided in article 6252-5a, Sec. 3, Revised Statutes."

The committee amendment was read and was adopted viva voce vote.

Senator Farabee offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 27** as follows: On page 1, line 19, delete subsection (d).

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 27 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 12 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 12, Relating to participation in the optional retirement program for faculty members employed in state-supported institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 12 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Green.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Tax Policy Subcommittee of the Committee of the Whole Senate might consider the following bills at 9:00 a.m. tomorrow:

H.B. 61

H.B. 62

CONGRATULATORY RESOLUTION

S.R. 61 - By Brooks: Commending Joe D. Gunn.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:02 p.m. adjourned in loving memory of Philip W. Gauss, Jr., until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(July 6, 1987)

S.C.R. 12

**In Memory
of
Philip W. Gauss, Jr.**

Senator Brooks offered the following resolution:

(Senate Concurrent Resolution 17)

WHEREAS, The Legislature of the State of Texas joins with the family and many friends of Philip W. Gauss, Jr., in mourning the loss of this esteemed citizen of Texas who died on June 9, 1987; and

WHEREAS, Born on July 13, 1918, in Port Arthur, Texas, Mr. Gauss attended public schools in Port Arthur, Texas, and Riverside Military Academy in Gainesville, Georgia and Hollywood, Florida; and

WHEREAS, He attended The University of Texas at Austin and enlisted in the United States Army during World War II; he served mankind and his country with valor and courage in the 36th Division Medical Corps and part of his duty was in the European Theater; and

WHEREAS, A devoted husband, he was married to Frances Beal from Port Arthur in 1946 and was strengthened throughout his career by her love and support; and

WHEREAS, He was employed by the State Health Department in Austin after his military service, under the immediate supervision of the State Health Officer, Dr. George Cox; and

WHEREAS, During the Korean War, this outstanding gentleman was recalled to the United States Army and served in the Korean Theater; he then rejoined the State Health Department and worked in and served as the Acting Director of the Tuberculosis Division and in the Cancer and Heart Division; and

WHEREAS, He later served as Director of Emergency Medical and Health Services for the state and as Administrative Assistant to the Commissioner of Health, Dr. James Peavy; and

WHEREAS, In 1965, this distinguished man accepted the position of Executive Director of the Texas Trial Lawyers Association and was serving in this position at the time of his death; and

WHEREAS, He possessed the rare combination of leadership ability along with compassionate understanding of the problems of others; and

WHEREAS, He was the first President of the National Association of Trial Lawyers Executives and was for many years the chief lobbyist for the Texas Trial Lawyers Association, during which time his integrity, credibility, and common sense made him one of the most effective association executives in the state and earned him favorable recognition by the news media and several professional publications; and

WHEREAS, During the years Philip W. Gauss, Jr., was Executive Director of the Texas Trial Lawyers Association, the Association of Trial Lawyers of America selected the T. T. L. A. as the most outstanding state association in the nation; although he was not a lawyer, Phil Gauss was admired for building the T. T. L. A.'s influence by being a master negotiator who was respected by friend and foe alike; and

WHEREAS, As Executive Director of the Texas Trial Lawyers Association, he led the organization in its fight for an adequately compensated judiciary, preservation of a responsive judiciary elected by the people, and

passage of the Texas Deceptive Trade Practices/Consumer Protection laws which have been hailed by national consumer advocates as the most progressive consumer protection statutes in the United States; and

WHEREAS, He spearheaded efforts to develop continuing legal education in Texas, and under his leadership two quarterly publications, The Verdict and the Trial Lawyers Forum, have developed into nationally acclaimed periodicals which have frequently been cited in briefs, legal opinions, professional journals, and other publications; and

WHEREAS, The success of this outstanding Texan was not limited to the wordly fields of business and law; as a committed Christian, he lived his faith every day of his life, and was an active member of the Espicopal Church of the Good Shepherd and a former vestryman; and

WHEREAS, The varied and notable achievements of this distinguished gentleman in the realm of business, religious affairs, and civic betterment have contributed immensely to his city and the State of Texas; now, therefore, be it

RESOLVED, That the 70th Legislature of the State of Texas, 2nd Called Session, hereby extend deep sympathy and condolences to the members of his family: his wife, Frances Gauss; his brother, Robert W. Gauss; his sister, Margie Beal; his nephew, Robert P. W. Gauss; his nieces, Karla Gauss Foreman and Sonya Barlow; his grandchildren; and numerous other relatives; and, be it further

RESOLVED, That copies of this resolution be prepared for the members of his family as an expression of shared sorrow from the Texas Legislature, and that when the legislature adjourns this day, it do so in memory of Philip W. Gauss, Jr.

BROOKS
ANDERSON
BARRIENTOS
CAPERTON
EDWARDS
GLASGOW

LYON
McFARLAND
PARMER
SANTIESTEBAN
TRUAN
WASHINGTON

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.